

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

LORNA PATTERSON,)	CASE NO.
)	
PLAINTIFFS,)	Complaint and
)	Demand for Jury Trial
V.)	
)	
CREDIT MANAGEMENT SERVICES, INC.,)	
)	
DEFENDANT.)	
)	

COMES NOW, the Plaintiff, by and through her attorneys, Pamela A. Car and William L. Reinbrecht of Car & Reinbrecht, P.C., L.L.O., and alleges and states that this is an action brought by an individual consumer for Defendant's violations of the FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. §1692 et. seq. (hereinafter referred to as the "FDCPA") and related state claims. In support, Plaintiff states and alleges as follows:

JURISDICTION AND PARTIES

1. That subject matter jurisdiction of this Court arises under 15 U.S.C. §1692k, actionable through 28 U.S.C. §1331 and other provisions of the law.
2. That venue is proper in this Court because the claims on which the case is based happened in this Judicial District.
3. That Plaintiff is a resident of Otoe County, Nebraska.
4. That Defendant Credit Management Services, Inc., is a Nebraska collection agency located in Grand Island, NE and is a debt collector and a corporation doing business of collecting debts in this state and elsewhere.

FACTUAL BACKGROUND

5. That at all times relevant hereto, Defendant was attempting to collect alleged medical debts alleged to be in default by the Plaintiff for personal, family, or household purposes.

6. That during the course of attempting to collect the consumer medical debt, Defendant CMS contacted the Plaintiff and originally wanted to set up a payment plan of \$200 to 300 per month. Plaintiff indicated that she could not afford said amount, so they entered into a payment plan with Plaintiff making a \$50.00 payment on 1/15/15 with a second payment to be made in 2 weeks thereafter. However, CMS agreed and did not mention filing a lawsuit against the plaintiff. Plaintiff actually made her first payment in the amount of \$70.00. CMS accepted the \$70.00 payment with the understanding that another one would be made in 2 weeks.

7. Shortly after the first payment was made, a county court collection lawsuit was filed in the County Court of Otoe County, entitled, “Credit Management Services, Inc., v. Lorna Patterson,” at Case No. CI15-54, the purpose of which was to collect on the very accounts on which the parties agreed to a payment plan.

8. Plaintiff called Defendant and was told to pay the account in full or her wages would be garnished.

9. The amounts CMS is attempting to collect on are incorrect. Also, the dates of the assignments of the accounts to CMS do not track and CMS refused payment in full when it was offered to them in an attempt to collect additional fees and costs labeled in the collection complaint as “attorney fees” and “prejudgment interest” to which it is not entitled.

10. Moreover, Defendants seek other charges it labels as interest and attorney fees, but such amounts are disguised collection fees.

CAUSE OF ACTION NO. I
FAIR DEBT COLLECTION PRACTICES ACT

COMES NOW the Plaintiff and for her Cause of Action against the Defendant, states and alleges as follows:

11. That the Plaintiff is a natural person and “consumer” within the meaning of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 (a)(3).

12. Defendant is a collection agency, which is engaged in the business of collecting debts and regularly attempts to collect debts alleged to be due another by use of the mail and telephone and as such, is a “debt collector” within the meaning of 15 U.S.C. 1692(a)(6).

13. That at all times relevant hereto, the Defendant was attempting to collect medical accounts alleged to be in default.

14. That during the course of attempting to collect the alleged debts, Defendant:

a) made false or misleading statements in connection with the attempted collection of said debt, in violation of 15 U.S.C. §1692e;

b) made false misrepresentation of the character amount and legal status of the debt;

c) attempted to collect an amount, including interest fees charged or expenses incidental to the principal obligation which was not expressly authorized by the agreement creating the debt or permitted by law in violation of 15 U.S.C. § 1692f;

d) made the false representation as to the compensation the debt collector receives for the collection of the debts in violation of 15 U.S.C. §1692e(2)(B). revealed to family members that Plaintiff owed an alleged debt in violation of §1692 b,c,d, and f;

e) used false or deceptive means to collect the debts in violation of §1692e, e (10).

15. That, as a direct and proximate result of these acts, Plaintiff suffered actual damages and other damages.

WHEREFORE, Plaintiff prays for a judgment against the Defendant for statutory damages, general damages, actual damages and statutory attorney fees and costs of this suit and for such other and further relief as the Court shall deem appropriate.

CAUSE OF ACTION NO. 2
NEBRASKA CONSUMER PROTECTION ACT

16. Plaintiff repeats and incorporates the foregoing allegations contained above as if fully set forth herein.

17. That these violations constitute a violation of the Nebraska Consumer Protection Act, Neb. Rev. Stat. § 59-1609 et seq. and entitles Plaintiff to statutory and actual damages, injunctive relief and attorney fees and costs.

18. That this case is within the public interest.

WHEREFORE, Plaintiff requests that a judgment be entered in her favor against Defendant, as follows:

- A. Awarding statutory damages pursuant to Neb. Rev. Stat. § 59-1609;
- B. Awarding actual damages to the Plaintiff;
- C. Awarding costs and reasonable attorney fees pursuant to Neb. Rev. Stat. § 59-1609 et seq.; and
- D. Enter such additional relief as the Court may find to be just and proper.

Dated: April 22, 2015

Lorna Patterson, Plaintiff,

by: s/ Pamela A. Car
Pamela A. Car, # 18770
William L. Reinbrecht, #20138
Car & Reinbrecht, P.C., L.L.O.
8720 Frederick St. # 105
Omaha, NE 68124
(402) 391-8484 phone
(402) 391-1103 fax
Pacar@cox.net -e-mail
ATTORNEYS FOR PLAINTIFF

JURY DEMAND

Plaintiffs demand a trial by jury as to all issues so triable in Omaha, NE.

s/ Pamela A. Car
Pamela A. Car, # 18770